

**THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>LOCAL 25 S.E.I.U. WELFARE FUND,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>1:17-CV-2082</b>
<b>v.</b>	)	
	)	<b>Judge Bucklo</b>
<b>CMS SOURCING SOLUTIONS, INC., a</b>	)	
<b>Michigan Corporation, d/b/a CMS</b>	)	<b>Magistrate Judge Schenkier</b>
<b>SOURCING SOLUTIONS,</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION TO VACATE ORDER OF DISMISSAL, TO REINSTATE ACTION,  
AND FOR ENTRY OF JUDGMENT**

NOW COMES the Plaintiff and move this Honorable Court to vacate Order of Dismissal entered on May 31, 2017, a copy of which is attached hereto as Plaintiff's Exhibit "A", and to reinstate Plaintiff's cause of action instantler, and for entry of judgment against the Defendant.

In support of Plaintiff's Motion, Plaintiff states as follows:

1) That pursuant to Settlement Agreement, executed by the parties, a copy of which is attached hereto as Plaintiff's Exhibit "B," the parties agreed to a dismissal of the pending action.

2) That notwithstanding the provisions of the Settlement Agreement, specifically paragraph 4 thereof, the Defendant has failed to make current contributions for the months of July 2017, through and including October 2017, and is delinquent in the total

amount of \$109,459.50, and in addition, the balance due on the original agreement is \$162,962.39.

WHEREFORE, in accordance with the provisions of the Order of Dismissal, Exhibit "A", Plaintiff prays that the Order of Dismissal be vacated instant, Plaintiff's cause of action be reinstated, and that judgment enter in favor of Plaintiff and against the Defendant in the amount of \$272,421.88, as and for the outstanding delinquencies calculated pursuant to the Settlement Agreement, which amount includes current delinquencies due.

That Plaintiff also prays that judgment enter for Plaintiff's attorneys' fees and costs incurred as a result of the Defendant's non-compliance with the provisions of the parties' Settlement Agreement.

/s/ Robert B. Greenberg  
Asher, Gittler & D'Alba, Ltd.  
200 West Jackson Boulevard, Suite 1900  
Chicago, Illinois 60606  
(312) 263-1500  
Fax: (312) 263-1520  
rbg@ulaw.com  
IL ARDC#: 01047558

Dated: November 29, 2017